

1 AN ACT relating to the transfer of contract staff providing services to the
2 Department of Criminal Justice Training and declaring an emergency.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
5 READ AS FOLLOWS:

6 (1) Effective May 1, 2017, contract employees of Eastern Kentucky University who
7 are engaged in providing instructional and support services to the mission of the
8 Department of Criminal Justice Training shall be transferred to the Department
9 of Criminal Justice Training within the Justice and Public Safety Cabinet along
10 with the funding associated with those employees. The Personnel Cabinet shall
11 assist in implementing the transfer of employees.

12 (2) Employees transferred pursuant to subsection (1) of this section shall retain the
13 following:

14 (a) All salaries and leave time balances accumulated as of the transfer date;

15 (b) The date of initial contract employment with the Eastern Kentucky
16 University for purposes of determining leave time accumulation; and

17 (c) The date of initial participation in a state-administered retirement system if
18 the employee has participated or is participating in the Kentucky Employees
19 Retirement System or the Kentucky Teacher's Retirement System for the
20 purpose of calculating retirement benefits. However, nothing in this
21 paragraph shall be construed to provide additional service credit for an
22 employee prior to the transfer date other than what has already been
23 credited to the appropriate retirement system, and any months of service
24 accrued while employed by Eastern Kentucky University shall not count
25 towards classified or unclassified service as defined in KRS 18A.005.

26 (3) As of May 1, 2017, employees transferred pursuant to subsection (1) of this
27 section shall participate in the Kentucky Employees Retirement System as

1 nonhazardous members pursuant to KRS 61.510 to 61.705.

2 (4) Employees transferred to the Department of Criminal Justice Training pursuant
3 to this section shall be eligible to participate in the state-sponsored life and health
4 insurance benefit programs administered by the Personnel Cabinet in accordance
5 with KRS Chapter 18A. Employees shall be eligible for coverage under the life
6 and health insurance programs effective May 1, 2017, and shall not be subject to
7 any waiting period that may be otherwise applicable to participation in these
8 programs.

9 ➔Section 2. KRS 15.440 is amended to read as follows:

10 (1) Each local unit of government which meets the following requirements shall be
11 eligible to share in the distribution of funds from the Law Enforcement Foundation
12 Program fund:

- 13 (a) Employs one (1) or more police officers;
- 14 (b) Pays every police officer at least the minimum federal wage;
- 15 (c) Maintains the minimum educational requirement of a high school degree, or
16 its equivalent as determined by the Kentucky Law Enforcement Council, for
17 employment of police officers on or after July 1, 1972, and for all sheriffs
18 appointed or elected on or after July 15, 1998, and all deputy sheriffs, and
19 state or public university police officers employed after July 15, 1998;
20 provided, however, that all police officers employed prior to July 1, 1972,
21 shall be deemed to have met the requirements of this subsection, and that all
22 sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state or
23 public university police, employed prior to July 15, 1998, shall be deemed to
24 have met the requirements of this subsection;
- 25 (d) 1. Requires all police officers employed on or after July 1, 1972, and all
26 sheriffs appointed or elected on or after July 15, 1998, and deputy
27 sheriffs, and state or public university police officers employed on or

1 after January 1, 1998, to successfully complete a basic training course of
2 nine hundred twenty-eight (928) hours' duration within one (1) year of
3 the date of employment at a school certified or recognized by the
4 Kentucky Law Enforcement Council, which may provide a different
5 number of hours of instruction as established in this paragraph. All
6 sheriffs serving in office on July 15, 1998, all deputy sheriffs, and state
7 or public university police, employed prior to January 1, 1998, shall be
8 deemed to have met the requirements of this subsection.

9 2. As the exclusive method by which the number of hours required for
10 basic training courses shall be modified from that which is specifically
11 established by this paragraph, the council may, by the promulgation of
12 administrative regulations in accordance with the provisions of KRS
13 Chapter 13A, explicitly set the exact number of hours for basic training
14 at a number different from nine hundred twenty-eight (928) hours based
15 upon a training curriculum approved by the Kentucky Law Enforcement
16 Council as determined by a validated job task analysis.

17 3. If the council sets an exact number of hours different from nine hundred
18 twenty-eight (928) in an administrative regulation as set out in this
19 paragraph, it shall not further change the number of hours required for
20 basic training without promulgating administrative regulations in
21 accordance with the provisions of KRS Chapter 13A.

22 4. Nothing in this paragraph shall be interpreted to prevent the council
23 pursuant to its authority under KRS 15.330 from approving training
24 schools with a curriculum requiring attendance of a number of hours that
25 exceeds nine hundred twenty-eight (928) hours or the number of hours
26 established in an administrative regulation set out by subparagraphs 2.
27 and 3. of this paragraph. However, the training programs and schools for

1 the basic training of law enforcement personnel conducted by the
2 department pursuant to KRS 15A.070 shall not contain a curriculum that
3 requires attendance of a number of hours for basic training that is
4 different from nine hundred twenty-eight (928) hours or the number of
5 hours established in an administrative regulation promulgated by the
6 council pursuant to the provisions of KRS Chapter 13A as set out by
7 subparagraphs 2. and 3. of this paragraph.

8 5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this
9 paragraph to the contrary notwithstanding, the council may, through
10 the promulgation of administrative regulations in accordance with
11 KRS Chapter 13A, approve basic training credit for:

12 a. Years of service credit as a law enforcement officer with previous
13 service in another state; and

14 b. Basic training completed in another state;

15 (e) Requires all police officers, whether originally employed before or after July
16 1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998,
17 and all deputy sheriffs and state or public police officers employed before, on,
18 or after July 15, 1998, to successfully complete each calendar year an in-
19 service training course, appropriate to the officer's rank and responsibility and
20 the size and location of his department, of forty (40) hours' duration, of which
21 the number of hours shall not be changed by the council, at a school certified
22 or recognized by the Kentucky Law Enforcement Council. This requirement
23 shall be waived for the period of time that a peace officer is serving on active
24 duty in the United States Armed Forces. This waiver shall be retroactive for
25 peace officers from the date of September 11, 2001;

26 (f) Requires compliance with all provisions of law applicable to local police,
27 state or public university police, or sheriffs and their deputies, including

1 transmission of data to the centralized criminal history record information
2 system as required by KRS 17.150;

3 (g) Requires compliance with all reasonable rules and regulations, appropriate to
4 the size and location of the local police department, state or public university
5 police department, or sheriff's office, issued by the Justice and Public Safety
6 Cabinet to facilitate the administration of the fund and further the purposes of
7 KRS 15.410 to 15.510;

8 (h) Possesses a written policy and procedures manual related to domestic violence
9 for law enforcement agencies that meets the standards set forth by, and has
10 been approved by, the Justice and Public Safety Cabinet. The policy shall
11 comply with the provisions of KRS 403.715 to 403.785. The policy shall
12 include purpose statements; definitions; supervisory responsibilities;
13 procedures for twenty-four (24) hour access to protective orders; procedures
14 for enforcement of court orders or relief when protective orders are violated;
15 procedures for timely and contemporaneous reporting of adult abuse and
16 domestic violence to the Cabinet for Families and Children, Department for
17 Community Based Services; victim rights, assistance, and service
18 responsibilities; and duties related to timely completion of records; and

19 (i) Possesses by January 1, 2017, a written policy and procedures manual related
20 to sexual assault examinations that meets the standards set forth by, and has
21 been approved by, the Justice and Public Safety Cabinet, and which includes:

22 1. A requirement that evidence collected as a result of an examination
23 performed under KRS 216B.400 be taken into custody within five (5)
24 days of notice from the collecting facility that the evidence is available
25 for retrieval;

26 2. A requirement that evidence received from a collecting facility relating
27 to an incident which occurred outside the jurisdiction of the department

- 1 be transmitted to a department with jurisdiction within ten (10) days of
2 its receipt by the department;
- 3 3. A requirement that all evidence retrieved from a collecting facility under
4 this paragraph be transmitted to the Department of Kentucky State
5 Police forensic laboratory within thirty (30) days of its receipt by the
6 department;
- 7 4. A requirement that a suspect standard, if available, be transmitted to the
8 Department of Kentucky State Police forensic laboratory with the
9 evidence received from a collecting facility; and
- 10 5. A process for notifying the victim from whom the evidence was
11 collected of the progress of the testing, whether the testing resulted in a
12 match to other DNA samples, and if the evidence is to be destroyed. The
13 policy may include provisions for delaying notice until a suspect is
14 apprehended or the office of the Commonwealth's attorney consents to
15 the notification, but shall not automatically require the disclosure of the
16 identity of any person to whom the evidence matched.
- 17 (2) No local unit of government which meets the criteria of this section shall be eligible
18 to continue sharing in the distribution of funds from the Law Enforcement
19 Foundation Program fund unless the local police department, state or public
20 university police department, or sheriff's office actually begins and continues to
21 comply with the requirements of this section; provided, further, that no local unit
22 shall be eligible to share in the distribution of funds from the Law Enforcement
23 Foundation Program fund until the local police department, state or public
24 university police department, or sheriff's office has substantially complied with
25 subsection (1)(f) and (g) of this section.
- 26 (3) A sheriff's office shall not lose eligibility to share in the distribution of funds from
27 the Law Enforcement Foundation Program fund if the sheriff does not participate in

1 the Law Enforcement Foundation Program fund.

2 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
3 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
4 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
5 criminal action.

6 ➔Section 3. KRS 18A.115 is amended to read as follows:

- 7 (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise
8 all positions in the state service now existing or hereafter established, except the
9 following:
- 10 (a) The General Assembly and employees of the General Assembly, including the
11 employees of the Legislative Research Commission;
 - 12 (b) Officers elected by popular vote and persons appointed to fill vacancies in
13 elective offices;
 - 14 (c) Members of boards and commissions;
 - 15 (d) Officers and employees on the staff of the Governor, the Lieutenant Governor,
16 the Office of the Secretary of the Governor's Cabinet, and the Office of
17 Program Administration;
 - 18 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads
19 of all boards and commissions, including the executive director of Kentucky
20 Educational Television and the executive director and deputy executive
21 director of the Education Professional Standards Board;
 - 22 (f) Employees of Kentucky Educational Television who have been determined to
23 be exempt from classified service by the Kentucky Authority for Educational
24 Television, which shall have sole authority over such exempt employees for
25 employment, dismissal, and setting of compensation, up to the maximum
26 established for the executive director and his principal assistants;
 - 27 (g) One (1) principal assistant or deputy for each person exempted under

1 subsection (1)(e) of this section;

2 (h) One (1) additional principal assistant or deputy as may be necessary for
3 making and carrying out policy for each person exempted under subsection
4 (1)(e) of this section in those instances in which the nature of the functions,
5 size, or complexity of the unit involved are such that the secretary approves
6 such an addition on petition of the relevant cabinet secretary or department
7 head and such other principal assistants, deputies, or other major assistants as
8 may be necessary for making and carrying out policy for each person
9 exempted under subsection (1)(e) of this section in those instances in which
10 the nature of the functions, size, or complexity of the unit involved are such
11 that the board may approve such an addition or additions on petition of the
12 department head approved by the secretary. Effective August 1, 2010:

13 1. All positions approved under this paragraph prior to August 1, 2010,
14 shall be abolished effective December 31, 2010, unless reapproved
15 under subparagraph 2. of this paragraph; and

16 2. A position approved under this paragraph on or after August 1, 2010,
17 shall be approved for a period of five (5) years, after which time the
18 position shall be abolished unless reapproved under this subparagraph
19 for an additional five (5) year period;

20 (i) Division directors subject to the provisions of KRS 18A.170. Division
21 directors in the classified service as of January 1, 1980, shall remain in the
22 classified service;

23 (j) Physicians employed as such;

24 (k) One (1) private secretary for each person exempted under subsection (1)(e),
25 (g), and (h) of this section;

26 (l) The judicial department, referees, receivers, jurors, and notaries public;

27 (m) Officers and members of the staffs of state universities and colleges and

- 1 student employees of such institutions; officers and employees of the
2 Teachers' Retirement System; and officers, teachers, and employees of local
3 boards of education;
- 4 (n) Patients or inmates employed in state institutions;
- 5 (o) Persons employed in a professional or scientific capacity to make or conduct a
6 temporary or special inquiry, investigation, or examination on behalf of the
7 General Assembly, or a committee thereof, or by authority of the Governor,
8 and persons employed by state agencies for a specified, limited period to
9 provide professional, technical, scientific, or artistic services under the
10 provisions of KRS 45A.690 to 45A.725;
- 11 (p) Interim employees;
- 12 (q) Officers and members of the state militia;
- 13 (r) Department of Kentucky State Police troopers;
- 14 (s) University or college engineering students or other students employed part-
15 time or part-year by the state through special personnel recruitment programs;
16 provided that while so employed such aides shall be under contract to work
17 full-time for the state after graduation for a period of time approved by the
18 commissioner or shall be participants in a cooperative education program
19 approved by the commissioner;
- 20 (t) Superintendents of state mental institutions, including heads of centers for
21 individuals with an intellectual disability, and penal and correctional
22 institutions as referred to in KRS 196.180(2);
- 23 (u) Staff members of the Kentucky Historical Society, if they are hired in
24 accordance with KRS 171.311;
- 25 (v) County and Commonwealth's attorneys and their respective appointees;
- 26 (w) Chief district engineers and the state highway engineer;
- 27 (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;

- 1 (y) Employees of the Kentucky Peace Corps;
- 2 (z) Employees of the Council on Postsecondary Education;
- 3 (aa) Executive director of the Commonwealth Office of Technology;
- 4 (ab) Employees of the Kentucky Commission on Community Volunteerism and
- 5 Service;
- 6 (ac) Persons employed in certified teaching positions at the Kentucky School for
- 7 the Blind and the Kentucky School for the Deaf; and
- 8 (ad) Federally funded time-limited employees as defined in KRS 18A.005.
- 9 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or
- 10 amend the provisions of KRS 150.022 and 150.061.
- 11 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
- 12 nonmanagement, nonpolicy-making position which must be included in the
- 13 classified service as a prerequisite to the grant of federal funds to a state agency.
- 14 (4) Career employees within the classified service promoted to positions exempted
- 15 from classified service shall, upon termination of their employment in the exempted
- 16 service, revert to a position in that class in the agency from which they were
- 17 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
- 18 considered for employment in any vacant position for which they were qualified
- 19 pursuant to KRS 18A.130 and 18A.135.
- 20 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
- 21 officers from filling unclassified positions in the manner in which positions in the
- 22 classified service are filled except as otherwise provided in KRS 18A.005 to
- 23 18A.200.
- 24 (6) The positions of employees who are transferred, effective July 1, 1998, from the
- 25 Cabinet for Workforce Development to the Kentucky Community and Technical
- 26 College System shall be abolished and the employees' names removed from the
- 27 roster of state employees. Employees that are transferred, effective July 1, 1998, to

1 the Kentucky Community and Technical College System under KRS Chapter 164
2 shall have the same benefits and rights as they had under KRS Chapter 18A and
3 have under KRS 164.5805; however, they shall have no guaranteed reemployment
4 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An
5 employee who seeks reemployment in a state position under KRS Chapter 151B or
6 KRS Chapter 18A shall have years of service in the Kentucky Community and
7 Technical College System counted towards years of experience for calculating
8 benefits and compensation.

9 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified
10 personnel, and all certified and equivalent and unclassified vacant positions in the
11 Department for Adult Education and Literacy shall be transferred from the
12 personnel system under KRS Chapter 151B to the personnel system under KRS
13 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel
14 system. All records shall be transferred including accumulated annual leave, sick
15 leave, compensatory time, and service credit for each affected employee. The
16 personnel officers who administer the personnel systems under KRS Chapter 151B
17 and KRS Chapter 18A shall exercise the necessary administrative procedures to
18 effect the change in personnel authority. No certified or equivalent employee in the
19 Department for Adult Education and Literacy shall suffer any penalty in the
20 transfer.

21 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions
22 in the Department for Technical Education and the Department for Adult Education
23 and Literacy shall be transferred from the personnel system under KRS Chapter
24 151B to the personnel system under KRS Chapter 18A. The positions shall be
25 deleted from the KRS Chapter 151B system. All records shall be transferred
26 including accumulated annual leave, sick leave, compensatory time, and service
27 credit for each affected employee. No employee shall suffer any penalty in the

1 transfer.

2 (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are
3 engaged in providing instructional and support services to the Department of
4 Criminal Justice Training shall be transferred to the personnel system under
5 KRS Chapter 18A. All records shall be transferred, including accumulated
6 annual leave, sick leave, compensatory time, and service credit for each affected
7 employee. The personnel officers who administer the personnel systems for
8 Eastern Kentucky University and under KRS Chapter 18A shall exercise the
9 necessary administrative procedures to effect the change in personnel authority.
10 No employee shall suffer any penalty in the transfer.

11 ➔Section 4. Whereas the provisions of this Act are to be implemented by May 1,
12 2017, an emergency is declared to exist, and this Act takes effect upon its passage and
13 approval by the Governor or upon its otherwise becoming a law.